

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:20-CR-00101-KDB-DCK-1**

UNITED STATES OF AMERICA,

v.

DONNA MAE BUMGARDNER,

Defendant.

ORDER

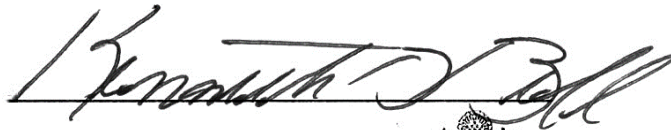
THIS MATTER is before the Court on Defendant's *pro se* motion for application of the Sentencing Commission's recent amendment to U.S.S.G. §4A1.1 in Amendment 821. (Doc. No. 49).

In Defendant's Presentence Report, Defendant was assessed two criminal history points called "status points" as she committed the offense while under a criminal justice sentence. (Doc. No. 36, ¶ 85). This gave the Defendant six criminal history points and a criminal history category of III. *Id.*, ¶ 86. Under the amendment to U.S.S.G. §4A1.1, the Defendant would not have received any status points as she only had four criminal history points before the aforementioned assessment. However, four criminal history points is still a criminal history category III and does not change the applicable sentencing guidelines.

IT IS THEREFORE, ORDERED, that Defendant's *pro se* request for application of the Sentencing Commission's recent amendment to U.S.S.G. §4A1.1. (Doc. No. 49), is **DENIED** as it provides no change in the Defendant's criminal history category and no change in the applicable sentencing guidelines.

SO ORDERED.

Signed: November 8, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

